

IN THE COURT OF APPEALS
TWELFTH APPELLATE DISTRICT OF OHIO
BUTLER COUNTY

STATE OF OHIO,

Appellee,

- vs -

BRIAN J. CUMMINGS,

Appellant.

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CASE NOS. CA2025-01-0010
CA2025-01-0011
CA2025-01-0012
CA2025-01-0013

DECISION AND
JUDGMENT ENTRY
10/20/2025

CRIMINAL APPEAL FROM BUTLER COUNTY COURT OF COMMON PLEAS
Case Nos. CR2022-07-0954; CR2023-02-0259; CR2024-04-0503; CR2024-06-0827

Michael T. Gmoser, Butler County Prosecuting Attorney, and John C. Heinkel, Assistant Prosecuting Attorney, for appellee.

Michele K. Temmel, for appellant.

DECISION

Per Curiam.

{¶1} This cause came on to be considered upon a notice of appeal filed by appellant, Brian J. Cummings, the transcript of the docket and journal entries, the transcript of proceedings and original papers from the Butler County Court of Common Pleas, and upon the brief filed by appellant's counsel.

{¶2} Appellant's counsel has filed a brief with this court pursuant to *Anders v. California*, 386 U.S. 738 (1967), which (1) indicates that a careful review of the record from the proceedings below fails to disclose any errors by the trial court prejudicial to the rights of appellant upon which an assignment of error may be predicated; (2) lists one potential error "that might arguably support the appeal," *Id.* at 744; (3) requests that this court review the record independently to determine whether the proceedings are free from prejudicial error and without infringement of appellant's constitutional rights; (4) requests permission to withdraw as counsel for appellant on the basis that the appeal is wholly frivolous; and (5) certifies that a copy of both the brief and motion to withdraw have been served upon appellant.

{¶3} Having allowed appellant sufficient time to respond, and no response having been received, we have accordingly examined the record and find no error prejudicial to appellant's rights in the proceedings in the trial court. The motion of counsel for appellant requesting to withdraw as counsel is granted, and this appeal is dismissed for the reason that it is wholly frivolous.

BYRNE, P.J., M. POWELL and SIEBERT, JJ., concur.

JUDGMENT ENTRY

The brief of appellant, filed pursuant to *Anders v. California*, 386 U.S. 738 (1967), properly before this court and having been considered by the court, it is ordered that the motion of counsel for appellant requesting to withdraw as counsel is granted, and this appeal is hereby dismissed for the reason that it is wholly frivolous.

It is further ordered that a mandate be sent to the Butler County Court of Common Pleas for execution upon this judgment and that a certified copy of this Decision and Judgment Entry shall constitute the mandate pursuant to App.R. 27.

Costs to be taxed to appellant.

/s/ Matthew R. Byrne, Presiding Judge

/s/ Mike Powell, Judge

/s/ Melena S. Siebert, Judge